

T. 20567A-07-0662

ORIGINAL



0000123089

TONTO HILLS IMPROVEMENT ASSOCIATION
42033 N. OLD MINE ROAD
CAVE CREEK, AZ 85331

2011 FEB 14 P 12:30

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

26 January 2011

Mr. Gary Pierce
Chairman Arizona Corporation Commission
1200 W Washington-Commissioners' Wing
Phoenix, AZ 85007

Dear Chairman Pierce:

Please consider holding hearings to revoke the Certificate of Convenience and Necessaries granted to NewPath Networks, Inc. The certificate was granted on January 26, 2010, a little over a year ago, after extensive hearings and re-hearings. For reference the Decision # is 71467. The Docket # is T-20567A-07-0662.

One of the Arizona Corporation Commission's considerations in granting the CC&N was NewPath's promise regarding community involvement. They have not kept that promise. Specifically, on page 21, point 64 of that docket: "NewPath has stated that it will continue to work cooperatively with all Arizona communities regarding the design and placement of its equipment in the PROW's".

That was the promise; the following are the facts. In September 2010, NewPath secured permits from the Maricopa County Department of Transportation. Surprisingly, special use permits were not required. The properties immediately affected, parcel #s 219-12-200 and 291-12-146, are zoned for residential use and the towers can only be characterized as commercial facilities. They immediately installed two faux cactus cell towers within the boundaries of the Tonto Hills Improvement Association. They were placed in the public right of way on these residential property boundaries.

Neither our Association nor the two property owners were consulted. There are locations within the community that are more appropriate for these towers and still provide adequate coverage. Had we been consulted, their advantages would have been enumerated. NewPath and their parent company, Crown Castle, would not return my calls or our attorney's calls. New Path/Crown Castle has conducted open forums with other Arizona communities. The Tonto Hills community was not afforded prior consultations, thereby violating New Path/Crown Castle's assurances to the ACC of how they would conduct business in Arizona

Arizona Corporation Commission
DOCKETED

FEB 14 2011

DOCKETED BY

Given their arrogant behavior and disregard for their specific commitment to the Corporation Commission concerning consultations with communities, we believe considering rescission of the CC&N is appropriate. I request a meeting with you or your staff to discuss this further. You can contact me at . I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Rick Nelson".

Rick Nelson

President Tonto Hills Improvement Association

Copy to: Arizona Corporation Commissioners